

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

WILLIS COMMUNICATIONS, INC.

CIVIL ACTION NO. 06-2033-A

-vs-

JUDGE DRELL

MICKEY WEAVER, et al.

MAGISTRATE JUDGE KIRK

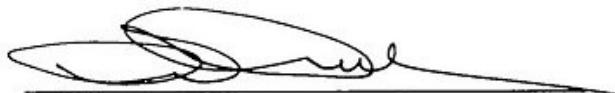
R U L I N G

The Court has reviewed the Report and Recommendation in this case. We decline to adopt the report in its entirety. We do agree that the remand is appropriate but not that sanctions are.

The original petition in this case does make reference to multiple events, each allegedly producing financial consequences, and could arguably be interpreted to contemplate damages in excess of \$75,000. Contrarily, the petition ALSO specifically avers that all of the damages "are below the sum of \$75,000.00 exclusive of interests and costs." [Petition, para. 9.] No affidavit or stipulation was filed specifically limiting recovery to \$75,000. *De Aguilar v. Boeing Co.*, 47 F.3d 1404, 1412 n.8 (5th Cir. 1995) (De Aguilar II). Under these circumstances we cannot say, considering the thirty-day time constraints for removal generally, that defendant acted improperly.

Additionally, outstanding discovery sought from plaintiff, but yet unprovided, may clarify the situation on the actual damages in this case. For now, that discovery must be handled in state court. The remand will be granted, but the sanctions will not. A judgment will accordingly be signed.

SIGNED on this 15th day of May, 2007, at Alexandria, Louisiana.



Dee D. Drell
United States District Judge